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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fiftieth session

SUMMARY RECORD OF THE 1186th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 3 March 1997, at 3 p.m.

Chairman: Mrs. SADIQ ALI

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5)

Fourteenth periodic report of the United Kingdom of Great Britain and Northern Ireland (CERD/C/299/Add.9)

1. At the invitation of the Chairman, Mr. Gillespie, Mr. Steel, Mr. Neale, Mr. S. Wong, Mr. P. Wong, Mr. Fan, Mr. Dean, Ms. Ip, Ms. Foulds, Mr. Wells and Mr. Caughey (United Kingdom) took places at the Committee table.

2. Mr. GILLESPIE (United Kingdom) said that since the fourteenth report had been submitted to the Committee, there had been a number of further developments, to which he would like to refer.

3. Concerning article 2 of the Convention, at the last hearing his delegation had informed the Committee of the Government's intention to introduce legislation on race relations in Northern Ireland. The Race Relations (Northern Ireland) Order 1997 had since been approved by both Houses of Parliament and was expected to be brought into effect within the next few months. Modelled on the provisions of the Race Relations Act 1976, which applied in Great Britain, the Order established a Commission for Racial Equality in Northern Ireland which would help enforce legislation and promote equality of opportunity and good race relations. The legislation differed from that of Great Britain in that it made special provision for the problems experienced by the Irish Traveller communities.

4. With regard to article 5 (a), the fourteenth report provided further information on the training of members of the judiciary by the Judicial Studies Board. Plans were being made to extend that training to magistrates, and a number of seminars would also be held in 1997 on race issues for immigration adjudicators.

5. Concerning article 5 (b), two individuals accused in connection with the bombing of the Israeli Embassy and Balfour House in July 1994 had been found guilty, on 11 December 1996, of conspiracy to cause explosions with intent to endanger life and had been sentenced to 20 years' imprisonment.

6. On 6 November, the Government had issued a public consultation document on changes to the Code of Practice regulating police powers and procedures for stopping and searching individuals. The consultation period had ended on 18 December 1996, and the Home Secretary was considering amendments to that Code. Ethnic monitoring of stop-and-search powers had been introduced into police forces in April 1993, and figures for 1995/1996 would be available shortly. As from 1 April 1996, ethnic monitoring had been extended to arrests, cautions, homicides and deaths in custody. Figures for 1996/1997 should be available in the autumn.

7. The third Racial Attacks Group (RAG) report, published on 15 October 1996, had built upon the recommendations from the 1994 Home Affairs Select Committee and the two previous RAG reports. It recognized in particular that while the police were central to that work, all other social

and criminal justice agencies also had a role to play. Each should ensure that the problem was regarded as a priority and dealt with swiftly and effectively whenever and wherever it occurred. While the RAG might need to be reconvened in the future, the momentum generated by the report would be maintained by the creation of a Racial Incidents Standing Committee to consider a wider range of racial issues.

8. As to article 5 (c), since 1992 the number of political appointments held by members of ethnic minorities in the United Kingdom had risen from 2 per cent in 1992 to 3.3 per cent on 1 September 1996. Although the size of the civil service was declining, ethnic-minority representation was on the rise, growing from 4.2 per cent in 1989 to 5.5 per cent in 1996. That compared with 4.9 per cent in the economically active population.

9. In connection with article 5 (d), he noted that the Asylum and Immigration Act 1996, which had received royal assent on 24 July 1996, was intended to streamline asylum procedures so that unfounded claims could be dealt with quickly. Section 8 of the Act, which had come into force on 27 January, made it an offence for an employer to hire someone subject to immigration control who did not have current valid permission to remain in the United Kingdom.

10. Concerning article 5 (e), he said that the results of round three of the Single Regeneration Budget Challenge Fund had been announced on 16 December 1996. More than half of the schemes approved were explicitly aimed at supporting ethnic minority communities. City Challenge continued to make a significant contribution in some of England's worst inner-city areas, many of which had a high ethnic-minority population.

11. With regard to housing, the fourteenth report had noted the Government's concern about the extent of the harassment of members of ethnic minorities on housing estates. A package of measures had been introduced in the Housing Act 1996 to help local authorities deal with anti-social behaviour. Those provisions had come into force on 12 February 1997.

12. The Government believed that all pupils should be given the same opportunities to benefit from what schools could offer them by meeting their particular educational needs. Responding to a report recently published by the Office for Standards in Education, the Government had announced a Ten-Point Action Plan involving a range of measures to raise the achievement of ethnic-minority pupils. A task group, chaired by the Minister for Education, had been set up to monitor progress.

13. The United Kingdom fully supported the European Union initiative, launched in the United Kingdom by the Prime Minister on 19 February, designating 1997 as European Year against Racism. As his Government saw it, the Year had two main aims: to raise awareness of the problem of racism and share ideas and experience on tackling it, and to draw attention to the benefits which everyone could derive from living in a diverse, multicultural society.

14. Mr. STEEL (United Kingdom) said that he would address section III of the fourteenth report dealing with the United Kingdom's dependent territories, apart from Hong Kong. He wished only to point out that, following concern expressed in a number of quarters about the so-called ethnic minorities in Hong Kong, his Government intended to introduce legislation to give members of ethnic minorities the right to be registered as British citizens and therefore the right of abode in the United Kingdom. The bill on that subject had passed the House of Commons on 28 February and would shortly go back to the House of Lords; it was expected to become law in the very near future.

15. He would attempt to bring the Committee up to date on a number of significant recent developments in some of the other dependent territories. Concerning Anguilla, paragraph 184 of the fourteenth report stated that in the light of the Committee's expressed views, the Government of Anguilla had been asked by the United Kingdom Government to consider introducing legislation against racial discrimination along the lines of the United Kingdom's own Race Relations Acts. He wished to inform the Committee that since the report had been finalized, the Executive Council of Anguilla had taken a formal decision to include such a bill in Anguilla's legislative programme.

16. Turning to Bermuda, paragraph 201 reported that a draft Code of Practice for Race Relations in the Workplace had been under review by the Commission for Unity and Racial Equality. The timetable had slipped slightly because of the need to take account of a late submission by a trade union, but the Code had been submitted to the Minister by the Commission on 13 February, and its adoption was expected in the course of 1997.

17. Paragraph 213 noted that the Government of the British Virgin Islands had decided to legislate against racial discrimination along the lines of the United Kingdom's Race Relations Acts. A bill on that subject was being drafted for enactment in the course of 1997. The proposal to include a bill of rights in the Constitution of the British Virgin Islands (para. 206) had been accepted in principle, although much detailed work remained to be done. The bill of rights would, of course, include a provision prohibiting racially discriminatory legislation or racially discriminatory action by public authorities.

18. Lastly, in respect of St. Helena, he had been informed that the proposed legislation against racial discrimination referred to in paragraph 303 would be submitted to the Legislative Council, whose next meeting was to begin on 14 March, its first since the report had been finalized. Similar legislation for Ascension Island would be prepared in due course. As the report made clear, legislation for Tristan da Cunha had already been enacted.

19. Mr. S. WONG (United Kingdom) said that he would like to inform the Committee of a number of developments that had taken place over the past 12 months in relation to Hong Kong.

20. Hong Kong's human rights "portfolio" had recently been enhanced by the addition of the Convention on the Elimination of All Forms of Discrimination against Women. China was a State party to that Convention and had confirmed that it would continue to apply to Hong Kong, as would the International Convention on the Elimination of All Forms of Racial Discrimination, after the

transfer of sovereignty on 1 July 1997. Another development had been the establishment, in May 1996, of an Equal Opportunities Commission to ensure the implementation of new equal opportunities laws prohibiting discrimination on grounds of sex and disability. The Commission, which had started its work in September 1996, was actively handling complaints and inquiries and disseminating the message of equal opportunity for all. The courts continued to extend the use of Chinese and reduce court waiting-time. Steps were also being taken to see to it that there would be no unreasonable delay in hearing cases brought under the Bill of Rights Ordinance and the new Sex Discrimination and Disability Discrimination Ordinances.

21. As to the future, both the Sino-British Joint Declaration of December 1984 and the Basic Law of the Hong Kong Special Administrative Region guaranteed that the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong would continue to be observed. Those guarantees, together with the ongoing application of the International Convention on the Elimination of All Forms of Racial Discrimination and other human rights treaties, provided the firm assurance that internationally recognized human rights would continue to be protected and valued.

22. Regarding racial discrimination in particular, he wished to update three points in the fourteenth report. In paragraph 254, it had been stated that the Hong Kong Government aimed to start work on a study on racial discrimination in 1996. That work had in fact begun, and the "desk study" phase had been completed. Findings had been released in the form of a public consultation document, currently being circulated among the members of the Committee, and the Hong Kong public had been asked to submit views by the end of April. The Hong Kong Government was "on target" for reporting to the Legislative Council in Hong Kong within the current legislative session.

23. The question of nationality in relation to Hong Kong's ethnic minorities had been discussed in paragraphs 259-265. As Mr. Steel had just explained, that issue had since been resolved. The decision by the United Kingdom Government to grant full citizenship to members of ethnic minorities who were solely British nationals had been warmly welcomed by all in Hong Kong.

24. Paragraph 273 explained that the Hong Kong Government provided assistance for secondary schools organized by Vietnamese migrants and non-governmental organizations (NGOs). Recently, it had commissioned the International Social Service to coordinate secondary education in the detention centres. The Government also provided accommodation, furniture, stationery and sports equipment. Education services were offered to all Vietnamese children in the detention centres free of charge, and the Vietnamese syllabus was taught to facilitate their educational reintegration upon their return to Viet Nam.

25. Mr. RECHETOV (Country Rapporteur) said that the Committee was grateful to the United Kingdom for sending an impressive delegation and for the very useful additional information which it had provided, thereby demonstrating its serious and responsible approach towards cooperating with the Committee.

26. When the Committee had discussed the United Kingdom in 1996, it had noted that the State party had not been ready to make the declaration provided for under article 14 of the Convention, and several members had asked the United Kingdom to review its position on that question. A number of racially-motivated acts perpetrated against ethnic minorities had been noted, and in its last recommendation (A/51/18, para. 255), the Committee had asked the United Kingdom to update information on the dependent territories, including Hong Kong; the United Kingdom delegation had just responded to that request. The fourteenth report showed that the United Kingdom was determined to protect human rights in the area of inter-ethnic relations. However, several points still needed to be clarified. A number of incidents in Hong Kong motivated by racism and xenophobia continued to give cause for concern.

27. Turning to the individual paragraphs in the fourteenth report, he said that the sentence in paragraph 4 to the effect that the United Kingdom already had some of the most stringent and comprehensive anti-discrimination legislation in Europe was perhaps overstated and seemed to be at variance with paragraph 7, which said that the mechanisms in place to combat racism and racial discrimination had helped improve the position of ethnic minorities but that there were no grounds for complacency.

28. With regard to paragraph 10, which stated that no United Kingdom law was endowed with status superior to other laws, he drew attention to paragraph 229 of the Committee's report, which noted the fact that the 1976 Race Relations Act was subordinate to a wide range of rules and could be superseded by new rules or laws. In the same paragraph, the Committee had criticized the fact that the legal framework prohibiting racial discrimination was further weakened by the non-incorporation of the Convention in domestic legislation, the absence of a bill of rights espousing the principle of equality before the law and non-discrimination, and the lack of recourse of individuals to petition an international body such as the Committee. Thus, the response contained in paragraph 10 of the fourteenth report was not entirely satisfactory.

29. In paragraph 251 of its report, the Committee had noted with concern the absence of legislation in Northern Ireland to outlaw racial discrimination and the Government's statement that close consideration was being given to that issue; it had also recommended that a bill should be promulgated as soon as possible. It was not clear whether such legislation had been enacted. With regard to the situation in Northern Ireland, he had the impression that too much emphasis was placed on legislation and not enough on the behaviour of some members of the police, deaths in custody and the effect of the many administrative rules on detention, especially during emergency situations. The question therefore remained open in his mind.

30. In paragraph 20, the United Kingdom maintained its position that its domestic law in the area of incitement to racial hatred was tried and tested. In the view of the Committee, such an interpretation was tantamount to a negation of all obligations under article 4 of the Convention to prohibit organizations that promoted racial discrimination. If United Kingdom domestic law in the area was really tried and tested, then the situation with regard to racial discrimination in that country would be better than it currently was.

31. He was impressed by the description of what was being done to improve police-community relations (paras. 27-30). The Committee had noted that deaths in police custody were under rigorous investigation by the British authorities and that lay visiting schemes for the inspection and supervision of detention centres had been established to monitor racially-motivated incidents.

32. Initiatives to increase the participation of ethnic minorities in public and government office had satisfied the Committee's earlier concerns. Although the statistics on posts occupied by those minorities were not impressive, they were realistic and demonstrated the serious approach adopted by the authorities. The growing trend to recruit members of ethnic minorities to the police and the armed forces was important for social stability.

33. The Committee had been concerned that the Asylum and Immigration Bill pubished in November 1995 would have had a discriminatory effect on the status of many individuals residing in the United Kingdom. However, the measures taken by the Government appeared to be well-balanced and compatible with the provisions of the Convention. While it was encouraing to note that religious discrimination was rare in Britain and that effective measures had been adopted to promote equality of opportunity in housing, the high rate of unemployment among members of ethnic minorities gave rise to concern.

34. The publication of the Code of Practice for the Elimination of Racial Discrimination in Education was a commendable response to that aspect of discrimination. However, there was a need for statistics on the enrolment of ethnic-minority students in courses of higher education (mentioned in paras. 92-94) and clarification of the use of the term "unlawful" in paragraph 98.

35. Turning to the implementation of human rights in the United Kingdom, he referred to paragraphs 105 and 106 concerning constitutional arrangements, legal doctrine and the primacy of domestic law. While he did not agree with the position taken in paragraph 105, he understood the doctrine. He did not, however, understand paragraph 106, which implied that provisions on the binding nature of human rights instruments would have an adverse effect on domestic legislation. The criteria embodied in internationally-recognized human rights instruments were essential for the observance of such rights. He therefore requested an explanation of the status of a "bill of rights" in that context.

36. With reference to paragraph 107, he wished to know whether special text books had been produced to take account of the ethnic and cultural diversity of the United Kingdom.

37. In concluding his queries on section I of the report, he asked how the option of making a declaration under article 14, of the Convention would adversely affect the United Kingdom.

38. Turning to the situation in the crown dependencies, he welcomed the fact that the United Kingdom authorities had afforded those territories the opportunity to undertake an appropriate review of their legislation on racial discrimination. In response to paragraphs 131 and 168, he said that it was

advisable for Guernsey and the Isle of Man to enact legislation prohibiting racial discrimination, even in the absence of evidence of racial disharmony, as there was no guarantee that the current situation would prevail indefinitely.

39. The Committee was pleased to note from paragraph 172 of the report (sect. III: Dependent territories) that the Government of the United Kingdom, after considering the Committee's earlier recommendations, had invited the Governments of those territories to introduce legislation on race relations, since some territories had no legislation equivalent to the United Kingdom's Race Relations Act of 1976.

40. With regard to the situation in Hong Kong, he noted the report's detailed account of the ethnic composition of the population and legislation against racial discrimination. He nevertheless wished to stress that the previous year the Committee had expressed its concern that the Hong Kong Bill of Rights Ordinance did not protect the inhabitants of Hong Kong against acts of racial discrimination perpetrated by individuals, groups or institutions. For ethnic minorities the question of nationality was of paramount importance and there had been encouraging signs that the Government of the United Kingdom had worked in earnest to meet the needs of the various ethnic minorities living in Hong Kong.

41. As confirmed in paragraph 174, the Convention would apply to the Hong Kong Special Administrative Region after 1 July 1997. Respect for human rights was a crucial consideration and Hong Kong would continue to be subjected to international review through the presentation of periodic reports and ongoing scrutiny by a number of NGOs which had already expressed a wide range of opinions on the status of human rights in Hong Kong after transition to Chinese rule.

42. Mr. ABOUL-NASR, speaking on a point of order, said he had received the country report just before the start of the meeting and therefore felt at a severe disadvantage and unprepared to participate in the discussion. While thanking the Country Rapporteur for his in-depth analysis, he asked whether the report would be considered under article 9 or article 15 of the Convention.

43. Mr. RECHETOV said that the report had been issued some months earlier; he was convinced there was nothing to prevent consideration of the report under either article 9 or article 15. In examining the policy of the United Kingdom Government concerning its dependent territories and Crown Dependencies, it was quite clear that it had consistently tried to ensure the adoption of new legislation by the territories in the spirit of the Convention and in accordance with the Race Relations Act of 1976.

44. The CHAIRMAN said the Committee would consider the report again under article 15 of the Covention.

45. Mr. van BOVEN expressed appreciation for the intensive dialogue the United Kingdom delegation had maintained with the Committee by regularly and faithfully fulfilling its reporting obligation. Although he might not agree with all the comments made by the United Kingdom in its report, he was

satisfied that the Governments of the United Kingdom and Hong Kong had made a great effort in providing detailed information in their response to the Committee's concluding observations. Those observations were a vital tool for the Committee and for others interested in the full implementation of the Convention.

46. He joined Mr. Aboul-Nasr in stating that he felt handicapped by the late receipt of the report. Through no fault of the United Kingdom delegation, he too had been unable to obtain the report, the supplementary information contained in the annexes or information submitted by NGOs promptly enough to study the report in the thorough manner it deserved.

47. He was not satisfied with the reply given in paragraphs 10, 105 and 106 of the report to the Committee's expression of concern about the weak status of the Convention in the domestic legal system. The United Kingdom was a subject of international law. Domestic constitutional arrangements did not justify failure to comply with a State party's international obligations, which were a matter of State responsibility. The statement in paragraph 105 that Parliament must "have regard to" the United Kingdom's international obligations left scope for non-compliance. Moreover, the basic principles set forth in the Convention were generally considered to be imperative norms of international law, forming part of jus cogens. He welcomed the tabling of new anti-racist legislation in Northern Ireland, although he had not had time to study its content. The United Kingdom's interpretation of article 4 of the Convention was still a matter of concern, and ran counter to developments in many other European countries, which were introducing new legislation in view of the rising threat of xenophobia and racial hatred in their societies.

48. Referring to article 5 (b) of the Convention and specifically the issue of deaths in custody, he asked for more details about the lay visiting schemes referred to in paragraph 37 of the report, particularly how the schemes and the reporting system functioned. On the subject of racial incidents referred to in paragraphs 38 and 39, he hoped that the next report would contain more information about the new Racial Incidents Standing Committee's work and findings.

49. The Asylum and Immigration Act 1996 could be compared with similar, increasingly restrictive, legislation in other European countries. The Act provided for the summary removal of certain categories of asylum-seekers. The provision that they could appeal against their removal only after they had been returned to allegedly safe countries was ineffective and in many instances worthless. He noted from paragraph 58 that the Act would apply equally to all persons regardless of their ethnicity, but pointed out that the Convention concerned not only the purpose but also the effects of measures taken. More explanations were needed about the countries listed in that paragraph, whether they were considered safe and whether Europe was regarded as including Turkey, for instance.

50. He shared the concerns expressed in the report of the Glidewell Panel on some of the provisions of the Asylum and Immigration Bill 1995, in particular, concerning the dangerous implications for race relations of the clause making it a criminal offence to employ an immigrant who was not legally entitled to work in the United Kingdom, and the implications of the withdrawal of very basic social benefits from immigrants, and its effect on appeal rights.

51. The Commission for Racial Equality (CRE) had a very important function. Was he right to assume that the budget for that Commission had been significantly reduced? It so, the Commission's work would be seriously affected.

52. He regretted that the United Kingdom was not considering making the declaration under article 14 of the Convention, particularly in view of the European Union's position that international procedures for the promotion and protection of human rights should be strengthened. He did not agree that the right of individual petition under the European Convention on Human Rights was a sufficient reason for failing to accept the special procedure under article 14 in view of the very limited scope of that Convention's non-discrimination provision.

53. Regarding the Crown Dependencies and dependent territories, it was insufficient to say that there was no need to introduce legislation against racial discrimination; the point at issue was whether the Convention was applicable or not. If it was, it should be implemented throughout the territory of the United Kingdom. It should be borne in mind that the Convention was also concerned with prevention. He agreed with Mr. Aboul-Nasr that the Committee might do well to consider all information available on dependent territories under article 15 of the Convention in order to obtain a more complete picture of the situation in such territories.

54. On the subject of Hong Kong, he was not fully satisfied with the reply given in paragraph 257 to the Committee's concern that the Bill of Rights Ordinance did not protect persons from racial discrimination by private persons, groups or organizations, and referred the Government to article 2, paragraph 1 (d). Nor was he fully satisfied with the replies about domestic helpers; again, the discriminatory effect, and not just the purpose, of a rule or law must be considered. The "two-week rule" appeared to have a racist dimension, since it was women from the Philippines who were principally affected. He shared the Country Rapporteur's concern about the continued application of the Convention in Hong Kong after the transfer of sovereignty to the People's Republic of China. Since that State was a party to the Convention, he expressed the hope that it would comply with its obligations and include in its next report a specific chapter on Hong Kong.

55. Noting the public interest taken in the United Kingdom in that State's periodic reports to the Committee, he requested information on the publicity given to the reports and to the Committee's concluding observations, particularly in view of the recommendation by the chairpersons of the human rights treaty monitoring bodies, endorsed by the General Assembly, that the full text of the concluding observations should be widely disseminated by States parties in their own territories.

56. Mr. DIACONU commended the United Kingdom Government for taking into account the Committee's concluding observations on the previous report, tackling the issues raised and attempting to find solutions. He welcomed the efforts made in the United Kingdom to involve civil society in general in the implementation of the Convention.

57. On the subject of ethnic-minority populations in Northern Ireland, he asked whether the research findings referred to in paragraph 17 of the report had been published, and whether the regional conference due to be held in November 1996 and referred to in paragraph 18 had taken place and what the results had been. Little information was given on the Irish minority living on the mainland. What was the size of that population? How did its standard of living compare with the rest of the population? And to what extent did it enjoy equal economic and social rights and benefits?

58. Referring to paragraph 58, he questioned the list of countries named as producing large numbers of unfounded asylum applications, pointing out that some unnamed countries might be considered more directly concerned than those mentioned. On the subject of racial harassment in housing, dealt with in paragraphs 81-83, he asked whom the Housing Act 1996 was intended to protect in providing for a 12-month probationary period during which tenants whose behaviour was unacceptable could be evicted, since new tenants were likely to be those of a different ethnic background or race. With reference to paragraphs 99 and 100, more details were needed on equal opportunities for participation in cultural activities other than broadcasting, such as the press, cultural centres and libraries. While he welcomed the opportunities to study foreign languages in schools as described in paragraph 109, he asked whether curriculum content reflected the ethnic diversity of the population and was conducive to a better understanding of ethnic minority cultures.

59. Experience in Northern Ireland prompted the comment that every effort should be made to introduce race relations legislation and apply it in practice throughout the Crown Dependencies and dependent territories.

60. With regard to the implementation of article 4 of the Convention, the Committee maintained its position that racist propaganda and organizations should be outlawed. Documentary evidence showed that there were organizations in the United Kingdom which promoted and incited racial discrimination and claimed responsibility for racial attacks. Information in his possession pointed to the ethnic or racial causes of deaths in custody and the discriminatory effects of police "stop-and-search" powers. He hoped that the Government would consider carefully the findings of the ethnic monitoring exercises referred to in paragraphs 31 and 36 and take steps to avoid racially-motivated violations of human rights in those areas.

61. Mr. WOLFRUM said that he, too, had received the documents very late. The presentation of the United Kingdom report along the lines of the Committee's concluding observations on the previous report should serve as a model, especially in the case of updating reports. While noting the statement in paragraph 4 that the United Kingdom had "some of the most stringent and comprehensive anti-discrimination legislation in Europe", the flaw in the Government's approach could be seen from paragraphs 105 and 106, since that legislation could be superseded by new laws enacted by Parliament. It was

therefore regrettable that no consideration was being given to drafting a comprehensive national bill of rights whose provisions would take precedence over other legislation.

62. He welcomed the introduction of anti-racist legislation for Northern Ireland, but would appreciate some comment on apparent deficiencies in that legislation, notably exemption on the additional grounds of public order and public safety, and the fact that bodies working in the fields of health, education, social services, planning and housing did not have the same positive legal duty to eliminate discrimination as their counterparts in Great Britain.

63. More information was needed on reported police maltreatment of Black offenders, and on the fact that Black people were over-represented in the prison population, served longer sentences than their White counterparts and were less likely to be granted bail. According to official figures, members of the Black minority were more likely to be victims of stop-and-search procedures and persons belonging to ethnic-minority groups were under-represented in the police.

64. He asked why the Criminal Justice and Public Order Act 1994 and the new offences it covered did not apply to Northern Ireland, whether the Government of the United Kingdom planned to rectify that anomaly, and whether the forthcoming census in Northern Ireland would contain questions relating to ethnic minorities.

65. Newspaper reports had indicated that the Government of the United Kingdom was opposed to the establishment of a centre to monitor racism and xenophobia in member States of the European Union. Clarification of the Government's position would be welcome.

66. He asked whether training was provided for judges in the United Kingdom to assist them in their dealings with people from various ethnic backgrounds.

67. The information in the report concerning the Irish Traveller community was inadequate. The health and social conditions of the Traveller community were apparently worse than those of the rest of the community. Was that true and were there any plans to improve the situation?

68. It was regrettable that the Government of the United Kingdom had not withdrawn its reservation to article 4 of the Convention, despite the Committee's suggestions and recommendations of March 1996. Information would be welcome on administrative acts undertaken by the Government to disband racist organizations.

69. Paragraphs 105 and 106 of the report raised more questions than they answered. For example, it was not clear what was meant by "long-standing constitutional arrangements". If it was a reference to the sovereignty of Parliament, then it contradicted the assertion made in paragraph 4 of the report. The United Kingdom should consider following the example of Canada and establish a bill of rights that provided for the elimination of racial discrimination.

70. Paragraphs 116, 124-128 and 153 all stated that there was no need to enact specific legislation to prohibit racial discrimination in Guernsey and Jersey. Although international law, and hence the Convention, was part of the law of the land, it was still preferable that domestic law should deal specifically with the prohibition of racial discrimination and be invoked directly before the courts.

71. With regard to Hong Kong, the book distributed to members of the Committee entitled Hong Kong 1996 stated that the main language of the courts in Hong Kong was English but that in the Court of Appeal, the High Court, district courts and certain tribunals, English was the only language used. People who did not speak English therefore needed interpretation, which raised the question of who provided the service and who met the costs. Moreover, it was a source of concern that a large part of the population should be restricted to the use of English in those courts.

72. He asked for clarification relating to information he had received that non-Chinese university staff members were given preference in terms of university housing.

73. The granting of British nationality was a subject of concern in that the solution arrived at was discriminatory and the explanations given in the report were unsatisfactory.

74. Mr. DE GOUTTES commended the fourteenth periodic report of the United Kingdom, which followed closely on the heels of the previous report, tried to answer the many questions raised by the Committee in March 1996, and showed the scope of legislative and other provisions implemented by the United Kingdom to combat racism and ethnic discrimination.

75. Of particular interest was the information concerning the new Asylum and Immigration Act 1996 and also the reference in paragraph 274 to the commitment made by the Chinese that the Convention would continue to apply to the Hong Kong Special Administrative Region from 1 July 1997.

76. The United Kingdom's interpretation of article 4 of the Convention did not reflect that of the Committee and was in sharp contrast with General Recommendation XV (42). The comment in paragraph 20 that the right balance had been struck between the tradition of free speech and the protection of United Kingdom citizens from abuse and insult raised an issue that had been often discussed in the Committee, namely, the question of the conflict of rights. That was an area that obviously needed to be looked at further by the Government of the United Kingdom and the Committee.

77. Paragraph 5 of the report referred to "a new offence of intentional harassment" under the Criminal Justice and Public Order Act 1994 but did not give specific details of how the new legislation differed from existing instruments or what the offence related to in practice. Clarification would therefore be welcome.

78. There was still concern at the fact that the United Kingdom had not responded to the points raised by the Committee on the question of incorporating the Convention into domestic law, the lack of recourse of individuals to petition an international body such as the Committee and the fact that laws relevant to the implementation of the Convention did not appear to be uniformly applied throughout the territory of the United Kingdom.

79. Of equal concern was the fact that the Race Relations Act did not extend to Northern Ireland and that some provisions of the Criminal Justice Act did not apply to Scotland. Although measures would be taken to remedy the situation in Northern Ireland, there were apparently no plans to do the same in Scotland.

80. The United Kingdom had not followed up the Committee's recommendation that detailed information should be provided on complaints and sentences relating to acts of racial or ethnic discrimination, which would be of use to the Committee. Nor had information been forthcoming on the role of the Ethnic Minorities Advisory Committee, on whether the training it provided was obligatory for all judges and on how many judges had actually received training to date.

81. He asked if the Government of the United Kingdom had given any further thought to making a declaration under article 14 of the Convention relating to the right of individual petition.

82. Mr. SHERIFIS complimented the United Kingdom on its fourteenth periodic report and its willingness to enter into fruitful dialogue with the Committee. He would be grateful if copies of the introductory statements made by the delegation of the United Kingdom could be provided to members of the Committee.

83. It was his understanding, which he hoped would be proven wrong, that the Government of the United Kingdom had opposed the creation of a centre to monitor racism and xenophobia in member States of the European Union, despite the unanimous support shown by the other members.

84. The position taken by the United Kingdom on article 14 of the Convention, as described in paragraph 112 of the report, was regrettable. As the United Kingdom took a leading position on many issues, it should give serious thought to making a declaration under article 14.

85. It was not clear from the report how and if the Convention and the work of the Committee were being publicized in the United Kingdom. Clarification would therefore be welcome.

86. Further explanations were also needed on paragraph 58 of the report, particularly the reference to there being "nothing racist about designating countries which produce large numbers of unfounded asylum applications" and the fact that the conditions in a country would be taken into account when determining a claim for asylum.

87. The CHAIRMAN, speaking as a member of the Committee, said that she welcomed the statement made by the Home Secretary before the House of Commons concerning the granting of British passports to 8,142 stateless citizens of Hong Kong. She was, however, alarmed at a report on the prevalence of anti-Muslim sentiment which, either subtly or overtly, had become part of the fabric of everyday life in modern Britain and was being perpetuated by the media. Information should be provided in the subsequent report of the United Kingdom.

The meeting rose at 6 p.m.